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is worthy the attention not only of our own newspaper statesmen, but of Irish secretaries as well

FREDERICK W. WHITRIDGE.

*The Kentucky Resolutions of 1798.* By ETHELBERT DUDLEY WARFIELD, A.M., LL.B., Barrister-at-Law. G. P. Putnam's Sons, New York & London, 1887. — 203 pp.

The author of this *brochure* has undertaken to prove three theses directly, and one indirectly: — (1) That John Breckinridge more than shares with Jefferson the honor of drafting the Kentucky resolutions of 1798. Mr. Warfield compares the former to the sculptor, and the latter to the chiseller who merely applies technical skill to the realization of the artist's ideas. (2) That the reasoning of the Kentucky and Virginia resolutions lies at the base of the Hartford convention and of the secession movement of 1860-61; but (3) That the Jefferson resolution<sup>1</sup> alone is responsible for South Carolina nullification. (4) Indirectly he maintains that the Kentucky and Virginia resolutions contain the great conservative principle of the republic.

It is not worth while controverting these theses in so many words. Mr. Warfield presents the letter from Jefferson to Jos. Cabell Breckinridge in which Jefferson says that while conversing over the Alien and Sedition laws with W. C. Nicholas and John Breckinridge, he proposed a protest by some state. These two gentlemen begged Jefferson to draw up such a document, and Breckinridge offered to present it to the Kentucky legislature. Jefferson drafted the resolutions and presented them to Breckinridge. The author then presents us with Jefferson's draft and with the Kentucky resolutions, in which the first seven articles coincide almost literally, the last two varying very little the one from the other, and asks us to credit Breckinridge with the political insight that formulated the issue over which party war was waged until reconstruction was complete. The second and third theses fall with the first; and the conservative vigor of the Kentucky and Virginia resolutions was exerted in vain in the war of the rebellion.

ROBERT WEIL.

*Le Gouvernement et le Parlement britanniques.* Par le comte DE FRANQUEVILLE, ancien maître des requêtes au Conseil d'État. Paris, J. Rothschild, 1887. — 3 vols., xii, 595, viii, 567, vii, 575 pp.

If the title of the work before us were reversed, it would perhaps give a fairer idea of the exact intention with which it is written. Two of its

<sup>1</sup> Jefferson, Works, book iv, part vi, p. 39.

three volumes are devoted to the consideration of the Parliament, and only one, the first, to the organization of the executive power — *le gouvernement*. The second volume describes the formation of the Parliament, and the third its procedure and action. M. de Franqueville approaches his subject with far greater advantages than usually fall to the lot of a man who endeavors to depict the workings of a foreign system of government. A wide knowledge of English institutions, obtained as well from personal observation as from a perfect acquaintance with English literature, enables him to write with ease and confidence. Indeed, M. de Franqueville's studies of English institutions extend over a period of thirty years. In 1875 he published a treatise, in four volumes, upon English public works, which gained him recognition as an authority upon this subject. It is most fortunate for political science that, at a time when English affairs are attracting so much attention, a publicist whose knowledge of English law and life is hardly to be surpassed should give us a work of such importance as M. de Franqueville's *British Government and Parliament*.

The method of treatment which the author has adopted is a peculiar one, and yet at the same time one whose advantages for the student cannot be over-estimated. He takes up singly each part of what he calls the great mechanism of the British constitution and traces its history from the beginning. The student who desires to investigate a particular point is enabled, by this arrangement, to find all the details of which he is in search massed in one place. This method of treatment, reinforced by an excellent index, makes M. de Franqueville's work invaluable as a book of reference.

It should not be inferred, from what has been said, that the book is of interest and value to the special student only. On the contrary, M. de Franqueville's style is so charming, and his presentation of the most involved questions is so lucid, that no one interested in political matters can fail to read his book with pleasure. It must be admitted, however, that his desire to make everything clear and to give an exact idea of the way in which the English government is carried on leads him into repetitions which seem needless. For example, after describing the procedure of Parliament in private legislation so elaborately and carefully as to make it inconceivable that any one who would attempt to read a book of this character should misunderstand or fail to understand his description, he deems it necessary to give the history of an actual private bill by means of extracts from the journal of Parliament. But it is invidious to censure a writer for making matters too clear, or to insist upon economy of space at the cost of labor to the reader.

Our author is not only clear, he is thorough. No subject is treated carelessly or superficially. The defect of this virtue is a love of detail,

and M. de Franqueville is perhaps chargeable with this fault. But his details, if not essential, are commonly interesting, and serve to lighten the narrative. In connection with the right of suffrage and the exercise of this right by women, he cites a writ of the year 1555 for the election of members of Parliament, on which was inscribed the following :

Witnesseth that the said Dame Elysabeth Copley of Gatton in the seid countie, widow, according to a writt to her in that behalf from the seid shereve directed, hath on her free election nominated and chosen Humfrey Moseley gent, and sir Harry Housie Knt. to be burgeses for the said borowe. Signed by me, Elizabeth Copley.

Of the three volumes the first, it seems to me, is the most valuable. For while the literature of the Parliament is very full, that on the executive — *le gouvernement*, as M. de Franqueville, following French usage, calls it — is comparatively meagre. In the latter part of the work, devoted to Parliament, one of the most interesting points is the description of the election laws. To the discussion of these laws, which at this moment are attracting so much attention in our country, eight chapters are given, of nearly three hundred pages ; and I do not know any better presentation of the subject. Of especial interest, again, is an elaborate description, filling a large part of the third volume, of the Parliament's rules of procedure. These, in M. de Franqueville's opinion, are open to serious objections, which he states in a separate section ; and some of his criticisms are of especial interest to Americans, since they apply as well to our legislative system as to the English. Most of the usages which he criticises have, as he shows, no real *raison d'être*, but are the result of a long historical development, and have a place now in the system simply on account of the force of tradition, so strong in England. Especially objectionable, in his view, is the way in which the House of Commons persists in resolving itself on all occasions into a committee of the whole. For this practice he can find no reason whatever, except that in old times, especially during the reigns of the Tudors and the Stuarts, the House of Commons really had reasons for not wishing to be presided over by the speaker, who was often regarded as a spy and agent of the king. By resolving itself into a committee of the whole under the presidency of one of its own members, it avoided the necessity of having the speaker present, and finally came to adopt this method of deliberation whenever anything of importance was discussed. But, as M. de Franqueville well says : "*Les temps sont bien changés et le speaker est aujourd'hui, tout autant que le président des comités, l'homme de la chambre.*" He thinks that if this custom were abandoned, there would be less complaint of lack of time. This particular

criticism does not affect us so much as does his objection to the practice of reading all bills three times—a practice which prevails in all American legislative assemblies and which has come down to us from the time when printing was not common and bills were really read. M. de Franqueville thinks, and it seems justly, that the first reading, as followed at present, might well be dispensed with. He thinks also that the French plan of printing and distributing with a bill an *exposé des motifs* would be a vast improvement on the present English plan of having a “statement” in regard to the bill made by some member of the House who is particularly interested in its passage—as a general thing a minister.

Another criticism of the English system, which we also might well take to heart, is directed against the absurd and verbose fashion in which the statutes of Parliament are drawn up. Any one who has had occasion to compare the statutes of England and of the United States with those of the states of continental Europe, cannot fail to be struck with the great relative simplicity of the latter. Indeed, the English system possesses no single advantage—not even that of certainty of interpretation. For notwithstanding the precautions that are taken to have all bills drawn up by suitable persons who are accustomed to the work, the obscurity of statute law has aroused almost the same amount of complaint in England as in this country.

Notwithstanding his French nationality, which ordinarily carries with it the tendency to glorify the French people, M. de Franqueville has preserved an almost rigid impartiality. Here and there, however, he cannot hide his contempt for certain characteristics which the French are determined to regard as especially English. For instance, in comparing the attitude of the people of England toward the despotism of the Tudors with their later position over against the Stuarts, he cannot help exclaiming: “Les Anglais faisaient bon marché de leur conscience et peu leur importait qu'elle fût odieusement violée, mais quand on voulut s'en prendre à leurs bourses l'orage se déchaina violemment.”

He is less successful in holding his religious and political prejudices in abeyance. A devout Catholic, he cannot resist the temptation to drag into his description of the organization of the House of Lords a long and wholly needless tirade concerning the oppressions to which his co-religionists were formerly subjected. A strong monarchist in politics, he cannot conceal his contempt for popular government and especially for French popular government. But in spite of his hatred of democracy, he has a firm belief that England is going to pass successfully through the trials which, in his opinion, the recent adoption of an almost universal suffrage will necessarily entail. Though he believes that the aristocracy alone was capable of founding the British constitution, he believes

also that the democracy will be able to preserve it: "Si un homme de génie pouvait seule construire cette incomparable merveille que l'on nomme le Parthenon, un vulgaire architecte peut en assurer la conservation." M. de Franqueville's opinions in regard to the general trend of things in England are to be found in his final chapter on *La démocratie en Angleterre*, which is a most fitting conclusion of a most suggestive and valuable work.

FRANK J. GOODNOW.

*Deutsches Wirtschaftsleben im Mittelalter.* Von KARL LAMP-RECHT. Leipzig, Verlag von Alphonse Dürr, 1886. — 3 Bände mit Karten; 1640, 783, 608 pp.

This work is one of the monuments of industry and learning, which, as a rule, only Germans create. It is clearly the most important contribution yet made to the history of mediæval agriculture, if not the leading work yet produced in the whole domain of historical economics. Its advent should be hailed not only because of the vast accumulation of systematized knowledge which it contains, but because it indicates the high degree of perfection which the science of economics is destined, with the help of the historic method, to attain. The honor of breaking the path into the field of investigation before us belongs above all to von Maurer. Other economists, notably Hanssen and Giercke in Germany, have labored in the same department. Jurists have often treated the subject from the standpoint of their science. But Lamprecht is the first to give to the world what is in substance a complete picture of the life and development of the middle age so far as they were connected with agriculture. For the period previous to the twelfth century, and within the territory studied by the author, the work is practically exhaustive, because agriculture was then the only form of economic activity. Other works are promised in the future, which will treat of the agriculture of the lower Rhine district, and of the economic history of the cities.

The plan followed is briefly this:—The writer has confined his investigations to the valley of the Moselle and the adjacent regions extending to the neighborhood of Cologne on the north. The vast amount of original material to be studied made this limitation of the field necessary. But the territory covered includes the most important part of old Germany west of the Rhine. Its centre was the archbishopric of Trèves.

In the text of the work an effort has been made to subordinate details and facts of only local interest to that which is general, so as to bring into clear relief the main lines of development. The ample notes and